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First Named Inventor	Marc Lamberton
Art Unit	2152
Examiner Name	Chad Zhong
Attorney Docket Number	FR9-1999-0061US1

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FR9-199930061US1

PATENT

- 1 -

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: Marc Lamberton

Serial No.: 09/654,857

Filed: September 5, 2000

Group Art Unit: 2152

Before the Examiner: Zhong, Chad

Title: SYSTEM AND METHOD FOR IMPROVING GATEWAY
TRANSPARENCY

APPEAL BRIEF

Mail Stop Appeal Brief-Patents
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I. **REAL PARTY IN INTEREST**

The real party in interest is IBM Corporation, the assignee of the patent application.

CERTIFICATION UNDER 37 C.F.R. §1.8

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Beatrice Zepeda
(Printed name of person certifying)

II. STATUS OF CLAIMS

Claims 1-15 are pending and stand rejected in the application. Claims 1-15 are appealed.

III. STATUS OF AMENDMENTS

There have been no claims amendments after the Examiner's final rejection. After final rejection, appellants sent a Notice of Appeal on May 27, 2005.

IV. SUMMARY OF CLAIMED SUBJECT MATTER

Many prior art systems failed to meet an important concern of network administrators—that an end-user should not be affected by the solutions adopted to administrate and run a network. *See Specification, page 12, lines 21-23.* Many prior art systems require that a client be gateway-aware ("socksified") for communication between the client and a proxy server. *See Specification, page 13, lines 1-3.* In embodiments of the present invention, such requirements are reduced because the client communicates through an agent. *See Figure 3(b), item 315.*

To that end, the present invention interrogates a directory comprising proxy server protocol data for each end-user of the IP network. According to the Specification and Figure 3(b), "an initial connection request [345] from a client, captured by the transparent SOCKS manager [350], triggers an interrogation of the directory [346] which determines...what version of SOCKS client uses." *See Specification, p. 13, lines 7-10.* The present invention retrieves parameters associated with the proxy server protocol data for a first end-user in response to an access request from a client application of the first end-user. In the Specification and Figure 3(b), if a SOCKS V5 agent is selected, "the directories [356] and [361] are interrogated to find what methods [355] are used by client and what kind of authentication parameters [360] are set." *See Specification, p. 13, lines 11-14.* The present invention accesses an application server on behalf of the client application in

accordance with retrieved parameters for the first end-user. In the Specification and Figure 3(b), the “client agent [315] passes the request to the SOCKS server [320] which starts processing the connection request [370].” *See* Specification, p. 13, lines 14-15. The present invention relays data between the client application and the application server. In the Specification and in Figure 3(b), “the SOCKS server establishes the data relay [380] between the application server and the client.” *See* Specification, p. 14, lines 7-8.

V. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 1-2, 6-7, and 11-12 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,421,733 (hereinafter *Tso*).

obvious 2. Claims 3, 8, and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Tso* in view of U.S. Patent No. 6,301,609 (hereinafter *Aravamudan*).

3. Claims 4, 9, and 14 stand rejected under 35 U.S.C. §103(a) as being obvious over *Tso* in view of U.S. Patent No. 6,131,163 (hereinafter *Wiegel*).

4. Claims 5, 10, and 15 stand rejected under 35 U.S.C. §103(a) as obvious over *Tso* in view of U.S. Patent No. 6,662,206 (hereinafter *Banavar*).

VI. ARGUMENT

1. *Tso* does not anticipate claims 1-2, 6-7, and 11-12 under 35 U.S.C. § 102.

A claim is anticipated only if every element as set forth in the claim is found in a single prior art reference. MPEP § 2131. An anticipating reference must describe the patented subject matter with sufficient clarity and detail to establish that the subject matter existed and that its existence was recognized by persons of ordinary skill in the field of the invention. *ATD Corp. v. Lydall, Inc.*, 159 F.3d 534, 545 (Fed. Cir. 1998). Further, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the

field of the invention. *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565, 1576 (Fed. Cir. 1991).

Regarding claim 1, *Tso* does not disclose the step, "interrogating a directory comprising proxy server protocol data for each end-user of said IP network." Further, the Examiner does not make a *prima facie* case that *Tso* discloses this step. As disclosing these elements, the Examiner relies on four separate sections of *Tso*. *See* Office Action mailed 04/28/2005, p. 3, ¶ 6. First, the Examiner relies on *Tso*'s "GetScaledObject" call. *See id.* (citing *Tso* col. 6, lines 10-20). This portion of *Tso* does not disclose interrogating a directory comprising a proxy server protocol data for each end-user of an IP network. Rather, the cited portion discloses a transcode service provider (item 24) using server-side cache memory (item 30) to store several different versions of an object to support clients with different communications and/or presentation capabilities. *See Tso*, col. 6, lines 14-17. *Tso* discloses that different versions of an object are stored. *See Tso*, col. 6, lines 20-23. For example, *Tso* discloses storing three versions of an object—a default scaled quality version, a version refined to a better quality, and an original, non-scaled version. *See Tso*, col. 6, lines 20-23. The cited portion does not disclose a directory containing proxy server data for each end user. Further, the cited portion of *Tso* does not disclose interrogating such a directory. Instead, the cited portion of *Tso* discloses storing a cached object repeatedly in versions that have varying quality levels.

The second portion of *Tso* relied on by the Examiner as disclosing "interrogating a directory comprising proxy server protocol data for each end-user of said IP network" discusses types of information which may be used to determine which transcode service providers (item 24) are invoked. *See Tso*, col. 7, lines 15-17 (describing the nearby portions of *Tso*, lines 25-30, relied on by Examiner in the Office Action dated 04/28/2005, p. 3, ¶ 6). The cited portion does not disclose interrogating a directory comprising proxy server protocol data. Instead, the cited portion merely mentions selection criteria may comprise the network client (item 12) such as software configuration, physical location/proximity, and user identity. As an

example of software configuration, *Tso* discloses the "availability of pre-installed software decompression modules." Nowhere in this portion does *Tso* disclose interrogating a directory comprising proxy server protocol data for each end-user of an IP network. The items in the cited list are used to select transcode service providers and the cited portion is not relevant to claim 1. Therefore, the cited portion should not be relied upon in anticipating claim 1.

The third portion relied on by the Examiner as disclosing "interrogating a directory comprising proxy server protocol data for each end-user of said IP network." discloses that custom content may be produced on demand in accordance with user-specific preferences. *See Tso*, col. 9, lines 25-27 (cited by Examiner in Office Action mailed 04/28/2005, p. 3, ¶ 6). In a variation, *Tso* discloses that transcoding server (item 34) can collect preferences and append them as part of a client request transmitted to a content provider so that dynamic content generation can be done. *See Tso*, col. 9, lines 30-33. Producing custom content on demand and collecting/appending preferences as part of a client request are distinguishable from interrogating a directory containing user proxy server information related to each end-user.

The fourth portion relied on by the Examiner as disclosing "interrogating a directory comprising proxy server protocol data for each end-user of said IP network" discloses that a private protocol may be used to transmit requests from a network client to transcoding server (item 34). *See Tso*, col. 10, lines 1-5. According to *Tso*, using the private protocol allows detection of a non-enabled network client (for example). *See Tso*, col. 10, lines 3-5. This method of sending a private protocol is disclosed as an improvement due to a reduction in overhead typically involved in making the enabled/non-enabled determination on a per-request basis. *See Tso*, col. 10, lines 8-10. These disclosures by *Tso* regarding multiple protocols do not disclose the elements of claim 1 and the disclosure of *Tso* is distinguishable from the claimed subject matter. *Tso* does not disclose interrogating a directory containing user proxy server protocol information for each client. *Tso* discloses the use of

multiple protocols including a private protocol that is implemented to determine whether a network client is enabled. *Tso* discloses the use of two protocols, but it does not disclose interrogating a directory containing proxy server protocol information for each end-user. Therefore, claim 1 is not anticipated by *Tso*.

Regarding claim 1's second step, *Tso* does not disclose "retrieving parameters associated with a proxy server protocol data for a first end-user in response to an access request from a client application of said first end-user." Again, the Examiner relies on *Tso*'s *GetScaledObject()* call. *See* Office Action mailed 04/28/2005 (citing *Tso*, col. 6, lines 10-20). Similar to the discussion above, the cited portion of *Tso* does not disclose retrieving parameters associated with proxy server data. Instead, the cited portion discloses that server-side cache memory (item 30) can store several different versions of an object to support clients with different communications and/or presentation capabilities. *See Tso*, col. 6, lines 14-17. *Tso* discloses that item 30 can store several different versions of an object, for example, a default scaled quality, a refined version, or the original non-scaled version. *See Tso*, col. 6, lines 20-23. Storing versions of objects having that are scaled, non-scaled, or better quality is distinguishable from claim 1's "retrieving parameters associated with said proxy server protocol data." Therefore, *Tso* does not disclose the elements as asserted in the Office Action. *See* Office Action mailed 04/28/2005, p. 3, ¶ 6.

Likewise, *Tso* does not disclose claim 1's third step, "accessing an application server on behalf of said client application in accordance with said retrieved parameters for said first end-user. Again, the Examiner cites to *Tso*'s discussion of the *GetScaledObject()* call. *See* Office Action mailed 04/28/2005, p. 3, ¶ 6. The Examiner also relies on *Tso*'s discussion of parser (item 22) selectively invoking one of transcode service providers (item 24) based upon satisfaction of a predetermined selection criterion. *See* Office Action mailed 04/28/2005, p. 3, ¶ 6 (citing *Tso*, col. 6, lines 60-67). This cited portion of *Tso* does not disclose accessing an application server in accordance with retrieved parameters for the first end-user. *Tso* discloses that "appropriate versions may be transmitted to such multiple network clients 12

concurrently." *See Tso*, col. 6, lines 59-61. Transmitting appropriate versions to multiple clients is distinguishable from accessing an application server on behalf of a client application in accordance with retrieved parameters.

In summary, the Examiner's reliance upon *Tso*'s `GetObject()` call and `GetScaledObject()` call is improper. Generally, *Tso* provides access to different versions of an object. *See Tso*, col. 4, lines 62-65. *Tso*'s `CreateEntry()` call creates and returns a cache entry for a hypertext object, for example. *See Tso*, column 5, lines 8-10. *Tso*'s `GetObject()` call returns a non-transcoded version of the specified hypertext object. *See Tso*, col. 5, lines 62-65. The `GetScaledObject()` call is used to request a particular version of the hypertext object, such as a high-quality version. *See Tso*, col. 6, lines 10-13. A private protocol may be used to determine whether a network client is enabled or non-enabled. *See Tso*, col. 9, line 65 through col. 10, lines 1-10. *Tso* does not disclose a method for providing transparency in a gateway of an IP network as disclosed in claim 1. For this reason and those stated above, the rejections of claim 1 based on *Tso* are erroneous and should be reversed. Under the same arguments related to claim 1, the rejections of claims 6 and 10 are erroneous and should be reversed.

Claim 2 depends from claim 1 and recites the additional step, "creating, in said gateway of said IP network, the directory including entries for every end-user on said IP network." *Tso* does not disclose this step. The Examiner again relies on *Tso*'s disclosure related to `GetScaledObject()` and `GetObject()` calls. *See* Office Action mailed 04/28/2005 (citing *Tso* col. 6, lines 10-20). In addition, the Examiner relies on *Tso*'s disclosure related to the selection of one of many parsers based on certain selection criteria. *See* Office Action mailed 04/28/2005 (citing *Tso* col. 7, lines 25-30). The cited portions do not disclose creating a directory including entries for every end-user on an IP network. Instead, the cited portions disclose storing multiple versions of an object and assigning a parser based on various criterion such as add-in boards, software configuration (for example, availability of pre-installed software decompression modules), physical location, and user identity, etc. *See Tso*, col. 6,

liens 10-20 and col. 7, lines 25-30). Therefore, the rejections of claim 2 based on *Tso* are erroneous and should be reversed. Further, under the same arguments related to claim 2, the rejections of claims 7 and 12 are erroneous and should be reversed.

2. The subject matter of claim 3, 8, and 13 is not obvious over *Tso* in view of U.S. Patent No. 6,301,609 (hereinafter *Aravamudan*).

The rejections of claims 3, 8, and 13 over *Tso* in view of *Aravamudan* are erroneous. The basic test for nonobvious subject matter is whether the differences between the subject matter and the prior art are such that the claimed subject matter as a whole would not have been obvious to a person having ordinary skill in the art to which the subject matter pertains. The United States Supreme Court in *Graham v. John Deere & Co.*, 383 U.S. 1 (1966) set forth the factual inquiries which must be considered in applying the statutory test: (1) a determination of the scope and contents of the prior art; (2) ascertaining the differences between the prior art and the claims at issue; and (3) resolving the level of ordinary skill in the pertinent art.

Determining Scope and Content of Prior Art

In determining the scope and content of the prior art, the Examiner must first consider the nature of the problem on which the inventor was working. Once this has been established, the Examiner must select, for purposes of comparing and contrasting with the claims at issue, prior art references which are reasonably pertinent to that problem (the inventor's field of endeavor). *See Heidelberger Druckmaschinen AG v. Hantscho Commercial Products, Inc.*, 30 U.S.P.Q.2d 1377, 1379 (Fed. Cir. 1994). In selecting references, hindsight must be avoided at all costs.

The present invention relates to systems for providing transparency in an IP network gateway. Many prior art systems failed to meet an important concern of network administrators—that an end-user should not be affected by the solutions adopted to administrate and run a network. *See Specification*, page 12, lines 21-23. Many prior art systems require that a client be "socksified" for communication between the client and a proxy server. *See Specification*, page 13, lines 1-3. In an

embodiment of the present invention, such requirements are reduced because the client communicates through an agent. *See Figure 3(b), item 315.*

In contrast, *Tso* relates to a system for dynamically transcoding data transmitted between a network server and a network client, for example. *See Abstract.* The apparatus includes a parser configured to invoke one of several transcode service providers in response to predetermined selection criterion. *See Abstract.* A data object can be manipulated to add, modify, or delete portions. *See Tso, column 2, lines 47-50.* For example, *Tso* discloses that the invention can be used to add advertising to contents passing through a proxy. *See Tso, column 8, lines 15-18.* The transcode server can create and store multiple versions of an object that vary in quality. *See Tso, column 6, lines 19-23.*

Aravamudan relates to instant messaging systems and the unification of such systems that may contain otherwise non-compatible features and protocols. *See Aravamudan, col. 2, lines 25-28.* An instant messaging service provider may provide a data converter utilizing a gateway. *See Aravamudan, col. 3, lines 52-55.* For example, voice traffic may be converted to an IP format in a gateway. *See Aravamudan, col. 4, lines 6-7.*

Differences Between Prior Art and Claims

The second step within the test described in *Graham* is to ascertain the differences between the cited prior art and the claims at issue. *A prima facie* showing of obviousness requires the Examiner to establish that the prior art references teach or suggest, either alone or in combination, all of the limitations of the claimed invention. The showings must be clear and particular. *In re Dembiczaik*, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999).

Tso and claim 3's subject matter have fundamental differences in that they address different issues. *Tso* is concerned with storing different versions of an object in memory for sending to various clients. The subject matter of the present invention relates to providing compatibility with a proxy server, for example, while reducing the likelihood a client will need to be "socksified."

Tso is also distinguishable because *Tso*, taken alone or in combination with *Aravamudan*, does not disclose every element of claim 3. As discussed above, *Tso* does not disclose claim 1's element for updating the directory of end-users. Therefore, it necessarily follows that *Tso* does not disclose claim 3's elements that add further limitations to the updating step of claim 1. For example, *Tso*, does not disclose claim 3's step, "enabling entries for those of said end-users that disconnect." Further, the Examiner does establish a *prima facie* case of obviousness by pointing out where *Tso*, taken alone or in combination with *Aravamudan*, discloses this step.

Further, *Tso* does not disclose "updating said entries of said end-users comprising dynamic parameters whenever said parameters are changing while connected." As disclosing the step, the Examiner cites to a portion of *Tso* that discusses criterion for choosing which transcode service providers are invoked. See Office Action mailed 04/28/2005, paragraph 12 (citing column 7, lines 55-67). Specifically, the portion of *Tso* discloses that update frequency preferences of content providers can be used as a criteria for choosing which transcode service providers are invoked. See *Tso*, column 7, lines 62-65. Using update frequency to pick a transcode service provider is distinguishable from claim 3's updating of entries of end-users. The "update frequency" in *Tso* refers to the frequency for updating dynamic content provided by a service provider (such as how frequently a news page is updated). Updating a cache entry is distinguishable from claim 3's updating entries of end-users. In summary, *Tso*, taken alone or in combination with *Aravamudan*, does not disclose every limitation of claim 1.

There Is No Motivation to Combine *Tso* and *Aravamudan*

In order to establish a *prima facie* case of obviousness, it is necessary for the Examiner to present objective evidence, preferably in the form of some teaching, suggestion, incentive or inference in the applied prior art, or in the form of generally available knowledge that one having ordinary skill in the art would have been led to modify or combine the relevant teachings of the applied references in the proposed manner to arrive at the claimed invention. *Ex parte Levengood*, 28 U.S.P.Q.2d 1300,

1301 (Bd. Pat. App. & Int. 1993); *Ashland Oil, Inc. v. Delta Resins and Refractories, Inc.*, 776 F.2d 281 (Fed. Cir. 1985). The motivation or suggestion to modify or combine references must come from one of three possible sources: the nature of the problem to be solved, the teachings of the prior art, and the knowledge of persons of ordinary skill in the art. *In re Rouffet*, 47 U.S.P.Q. 2d 1453, 1458 (Fed. Cir. 1998). The showings must be clear and particular. *In re Dembiczk*, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999). Broad conclusory statements regarding the teachings of multiple references, standing alone, are not evidence. *Id.*

Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. *Ex parte Skinner*, 2 USPQ2d 1788, 1790 (B.P.A.I. 1987). When the incentive to combine the teachings of the references is not readily apparent, it is the duty of the Examiner to explain why combination of the reference teachings is proper. Absent such reasons or incentives, the teachings of the references are not combinable. *See Id.* It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. *See Id.* The Examiner cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. *In re Fritch*, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992). It is insufficient to establish obviousness that the separate elements of the invention existed in the prior art, absent some teaching or suggestion, in the prior art, to combine the elements. *Arkie Lures, Inc. v. Gene Larew Tackle, Inc.*, 43 USPQ2d 1294 (Fed. Cir. 1997).

The legal conclusion of obviousness must have a correct factual basis. See *Graham v. John Deere & Co.*, 383 U.S. 1 (1966); *In re Rouffet*, 47 USPQ2d 1453, 1455 (Fed. Cir. 1998). Where the legal conclusion is not supported by facts, it cannot stand. *Id.* A rejection based on § 103 clearly must rest on a factual basis, and these facts must be interpreted without hindsight reconstruction of the invention from the prior art. *In re Dembiczk*, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). The

patentability of an invention is not to be viewed with hindsight or "viewed after the event." *Goodyear Company v. Ray O Vac Company*, 321 U.S. 275, 279 (1944). The proper inquiry is whether modifying or bringing them together was obvious and not, whether one of ordinary skill, having the invention before him, would find it obvious through hindsight to construct the invention. Accordingly, an Examiner cannot establish obviousness by locating references which describe various aspects of the patent Applicant's invention without also providing evidence of the motivating force which would compel one skilled in the art to do what the patent applicant has done.

In resolving the level of ordinary skill of the pertinent art as required by the third step in *Graham*, the Examiner must step backward in time and into the shoes worn by a person of ordinary skill when the invention was unknown and just before it was made. The hypothetical person skilled in the art can be described as one who thinks along lines of conventional wisdom in the art and neither one who undertakes to innovate nor one who has the benefit of hindsight. Thus, neither an Examiner, nor a judge, nor a genius in the art at hand, nor even the inventor is such a person skilled in the art.

There is no motivation to combine *Tso* and *Aravamudan* to reach the subject matter of claim 3. The Examiner states as motivation, it "would have been obvious...because they are both dealing with remote proxy being able to store information for the clients, furthermore, the teaching...would improve the tracking capabilities of *Tso*." These are the Examiner's subjective opinions and are not evidence or objective facts that one of ordinary skill in the art would have been motivated, with *Tso* in his/her possession, to combine it with *Aravamudan* to reach the subject matter of claim 3.

Further, a combination of *Tso* and *Aravamudan* would not function as the subject matter of claim 3. *Tso* discloses a system that stores multiple versions (of varying qualities) of an object in memory. The cited portion of *Aravamudan* discloses an instant message server polling a client to determine whether the client is inactive. *See Aravamudan*, col. 8, lines 1-4 & 10-14. If there is inactivity by an

instant messaging user, the CSP (Communications Services Platform) database is updated. *See Aravamudan*, col. 8, lines 1-4. If the two references are combined, the resulting system is a system that stores multiple versions of an object in memory and updates an instant messaging database when polling determines a user is off-line. The result of the combination is not the subject matter of claim 3, and the rejection of claim 3 based on the references is erroneous and should be reversed. Claim 8 and 13 recite limitations similar to those of claim 3. For the reasons stated above with regard to claim 3, the rejections of claim 8 and 13 should be reversed.

3. The subject matter of claim 4, 9, and 14 is not obvious over *Tso* and U.S. Patent No. 6,301,609 (hereinafter *Wiegel*).

Claim 4 stands rejected over *Tso* in view of *Wiegel*. *See* Office Action mailed 04/28/2005, paragraph 15. The rejection is erroneous because the Examiner has not established a *prima facie* case that a combination of the references teaches or suggests every limitation of claim 4. The Examiner cites no part of either reference as disclosing claim 4's "interrogating said directory at an entry corresponding to said first in end-user" or "retrieving parameters associated with said request." Further, a combination of the references would not function as claimed in claim 4.

Wiegel addresses security issues, such as those caused by a malicious computer attempting a "ping of death" attack on another computer system. *See Wiegel*, column 1, lines 34-36. Accordingly, *Wiegel* provides ways to evaluate information in a network operating system. *See Wiegel*, column 4 lines 59-60. Incoming packets are sent to a protocol proxy manager rather than to a protocol stack. *See Wiegel*, column 9, lines 8-12. In addition, the operating system is instructed that all devices attached to the system can only be accessed through the protocol proxy manager, which poses as a device driver. *See Wiegel*, column 9, lines 13-16.

The *Wiegel* system tests whether the format and contents of packets are valid or allowed. *See Wiegel*, column 11, lines 10-13. If the format and contents of the packet are valid, the packet may be modified to adjust its format and data to conform

to the current protocol. *See Wiegel*, column 11, lines 25-30. After testing the packet, it may be sent upward in the protocol proxy stack only after successfully passing lower level tests. *See Wiegel*, col. 11, lines 35-38. The layers referred to by *Wiegel* refer to network operating system protocols made up of the seven layers in the OSI model. *See, e.g., Wiegel*, column 11, lines 45-50, column 5, lines 13-17. The proxy server protocol data of claim 4 is distinguishable from the protocols taught in *Wiegel* that are, instead, network operating system protocols. Therefore, a combination of *Tso* and *Wiegel* does not teach or suggest the claimed subject matter.

Further, a combination of *Tso* and *Weigel* would not function as the subject matter of claim 4. Instead, a combination of *Tso* and *Wiegel* might be a system that stores multiple versions (of varying quality, for example) of an object and analyzes packets for security issues as they move upward through OSI model layers in conjunction with a network server operating system. Such a system would not act as an agent for a client application to prevent the client application from needing to be gateway-aware.

In addition to the differences in the combination of references and the claimed subject matter, there is no motivation to combine the references to reach the subject matter of claim 4. The Examiner states as motivation, it would have been obvious "in order to maintain data integrity; properly process/convert the protocol to the appropriate format." These are the Examiner's subjective opinions that are not supported by evidence or objective facts.

Therefore, claim 4 is allowable over *Tso*, taken alone or in combination with *Wiegel*. The rejection of claim 4 should be reversed. Claims 9 and 14 recites limitations similar to claim 4, and are rejected on the same basis. Therefore, for the reasons stated above with regard to claim 4, the rejections of claims 9 and 14 should be reversed.

4. The subject matter of claim 5, 10, and 15 is not obvious over *Tso* and U.S. Patent No. 6,662,206 (hereinafter *Banavar*).

Banavar addresses issues related to middleware that collects messages from publishers and disseminates applicable messages to interested information consumers (subscribers). *See Banavar*, column 1, lines 20-27. *Banavar* deals with situations such as the resumption of a subscribers access to a network after a period of interruption. *See Banavar*, column 2, lines 9-11. The *Banavar* system provides summaries of missing events, rather than all of the information associated with the missing event. *See Banavar*, column 2, lines 15-25. Providing summaries reduces processing time. *See Banavar*, column 2, lines 25-27.

There is no motivation to combine *Tso* and *Banavar*. Further, the Examiner fails to state any motivation to combine *Tso* and *Banavar* (the stated motivation was apparently recycled from a previous Office Action and is inapplicable to the current Office Action as it relates to the combination of *Tso*, *Banavar*, and claim 5.) Therefore, the Examiner has failed to establish a *prima facie* case that claim 5 is obvious over *Tso*, taken alone or in combination with *Banavar*. Accordingly, the rejection of claim 5 should be reversed.

Claims 10 and 15 recite limitations similar to those in claim 5. Therefore, the reasons stated above with regard to claim 5, the rejection of claims 10 and 15 should be reversed.

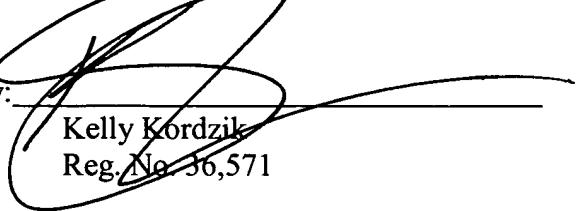
In summary, the Examiner fails to establish a *prima facie* case by citing to any combination of references that teach or suggest every limitation of any claim. Further, under the *Graham v. John Deere* analysis, there are numerous differences between the claimed subject matter and the references cited by the Examiner. Also, the Examiner fails to provide sufficient motivation to combine the various references to support the rejections of any claim.

Respectfully submitted,

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APPENDIX

1. In a client-server environment, a method for providing transparency in a gateway of an IP network comprising the steps of:
 - interrogating a directory comprising proxy server protocol data for each end-user of said IP network;
 - retrieving parameters associated with said proxy server protocol data for a first end-user in response to an access request from a client application of said first end-user;
 - accessing an application server on behalf of said client application in accordance with said retrieved parameters for said first end-user; and
 - relaying data between said client application and said application server.
2. The method according to claim 1 further comprising the step of:
 - creating, in said gateway of said IP network, the directory including entries for every end-user on said IP network.
3. The method according to claim 1 further comprising the step of:
 - updating, in said gateway of said network, the directory of said end-users, said step of updating the directory including the steps of:
 - disabling entries for those of said end-users that disconnect;
 - enabling entries for those of said end-users that connect; and
 - updating said entries of said end-users comprising dynamic parameters whenever said parameters are changing while connected.
4. The method according to claim 1 wherein the step of retrieving parameters associated with proxy server protocol data for said first end-user includes the steps of:
 - obtaining leading data from said client application having issued said access request for said end-user;

parsing said leading data;
 determining a protocol said client application is currently using;
 interrogating said directory at an entry corresponding to said first end-user;
 retrieving parameters associated with said protocol; and
 executing said protocol in accordance with said parameters associated with
 said protocol.

5. The method according to claim 1 further including the step of informing said end-user of said client application that a server application is unavailable if a link to said application server is not established.
6. A data processing system for providing a gateway of an IP network, comprising:
 - circuitry operable for interrogating a directory comprising proxy server protocol data for each end-user of said IP network;
 - circuitry operable for retrieving parameters associated with said proxy server protocol data for a first end-user in response to an access request from a client application of said first end-user;
 - circuitry operable for accessing an application server on behalf of said client application in accordance with said retrieved parameters for said first end-user; and
 - circuitry operable for relaying data between said client application and said application server.
7. The system according to claim 6 further comprising:
 - circuitry operable for creating, in said gateway of said IP network, the directory including entries for every end-user on said IP network.

8. The system according to claim 6 further comprising:

 circuitry operable for updating, in said gateway of said network, the directory of said end-users, said circuitry operable for updating the directory including:

 circuitry operable for disabling entries for those of said end-users that disconnect;

 circuitry operable for enabling entries for those of said end-users that connect; and

 circuitry operable for updating said entries of said end-users comprising dynamic parameters whenever said parameters are changing while connected.

9. The system according to claim 6 wherein the circuitry operable for retrieving parameters associated with said end-user for said access request from said client application includes:

 circuitry operable for obtaining leading data from said client application having issued said access request for said end-user;

 circuitry operable for parsing said leading data;

 circuitry operable for determining a protocol said client application is currently using;

 circuitry operable for interrogating said directory at an entry corresponding to said first end-user; and

 circuitry operable for retrieving parameters associated with said protocol;

 executing said protocol in accordance with said parameters associated with said protocol.

10. The system according to claim 6 further including the circuitry operable for informing said end-user of said client application that a server application is unavailable if a link to said application server is not established.

11. A computer program product embodied in a tangible storage medium, the program product for providing transparency in a gateway of an IP network, the program product including a program of instructions for performing the steps of:

interrogating a directory comprising proxy server protocol data for each end-user of said IP network;

retrieving parameters associated with said proxy server protocol data for a first end-user in response to an access request from a client application of said first end-user;

accessing an application server on behalf of said client application in accordance with said retrieved parameters for said first end-user; and

relaying data between said client application and said application server.

12. The computer program product according to claim 11, further comprising instructions for performing the step of:

creating, in said gateway of said IP network, the directory including entries for every end user on said IP network.

13. The program product according to claim 11 further comprising instructions for performing the step of:

updating, in said gateway of said network, the directory of said end-users, said step of updating the directory including the steps of:

disabling entries for those of said end-users that disconnect;

enabling entries for those of said end-users that connect; and

updating said entries of said end-users comprising dynamic parameters whenever said parameters are changing while connected.

14. The program product according to claim 11 wherein the step of retrieving parameters associated with said end-user for said access request from said client application includes the steps of:

obtaining leading data from said client application having issued said access request for said end-user;

parsing said leading data;

determining a protocol said client application is currently using;

interrogating said directory at an entry corresponding to said first end-user; retrieving parameters associated with said protocol; and

executing said protocol in accordance with said parameters associated with said protocol.

15. The program product according to claim 11 further including instructions for performing the step of informing said end-user of said client application that a server application is unavailable if a link to said application server is not established.